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8   **UNITED STATES DISTRICT COURT**

9   **Northern District of California**

10 Benjamin,   09-04735 WHA

11   Plaintiff(s),   **NOTICE RE: NONCOMPLIANCE
                                          WITH COURT ORDER**

12   v.

13 Google Inc.,

14   Defendant(s).

15

16   The parties have failed to file an ADR Certification and either a Stipulation and

17 [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone

18 Conference as required by the Initial Case Management Scheduling Order. Counsel

19 shall Meet and Confer forthwith in an attempt to agree on an ADR process for this

20 matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file

21 an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**

22 **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),

23 ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available

24 at www.adr.cand.uscourts.gov.)

25

26   Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a

27 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax

28 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

United States District Court
Northern District of California

Notice Re: Noncompliance With Court Order
09-04735 WHA   -1-

1 | 450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment

2 | to an e-mail directed to adr@cand.uscourts.gov.

3 |

4 | It is the responsibility of counsel to schedule an ADR Phone Conference, if

5 | required, to occur <u>before</u> the Case Management Conference.

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8 | Dated: January 4, 2010

9 | RICHARD W. WIEKING
                                                 Clerk
10 | by: Timothy J. Smagacz

11 | *Timothy Smagacz*

12 | _____
                                                 ADR Program Administrator
                                                 415-522-4205
13 | Tim_Smagacz@cand.uscourts.gov

United States District Court
Northern District of California

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PROOF OF SERVICE

Case Name: Benjamin v. Google Inc.

Case Number: 09-04735 WHA

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

> ADR Program
> United States District Court
> Norther District of California
> 450 Golden Gate Avenue Floor 16
> San Francisco, CA 94102

On January 4, 2010, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

> Anthony M. Benjamin Sr.
> 835 O'Farrell Street, #404
> San Francisco, CA 94109
>
> A. M. Benjamin Services
>
> ,
>
> Joseph Charles Gratz
> Durie Tangri LLP
> 217 Leidesdorff Street
> San Francisco, CA 94111
> jgratz@durietangri.com
>
> Daralyn J. Durie
> Durie Tangri LLP
> 217 Leidesdorff Street
> San Francisco, CA 94111
> ddurie@durietangri.com

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 4, 2010 in San Francisco, California.

RICHARD W. WIEKING
Clerk
by: Timothy J. Smagacz

ADR Program Administrator
415-522-4205
Tim_Smagacz@cand.uscourts.gov